PROCUREMENT OF PADDY

368. Mr. Paramel Ipe Ipe *(Kunnamkulam)*: Will Government be pleased to state.—

(*a*) in acquiring paddy by the Government what amount of paddy is given deduction to the owners of paddy for their own consumption ;

(*b*) previous to this harvest whether any deductions used to be given for the use of the domestic servants ;

(*c*) whether that deduction for domestic servants has been disallowed during this harvest ?

Mr. P. Govinda Menon *(Minister for Food and Education)*:

(*a*) To a family having paddy income paddy allowance for domestic consumption is made at the rate of 3 paras per adult and 1½ paras per child per month.

(*b*) Yes.

(*c*) No.

2. Adjournment Motions

Mr. President: Notices of adjournment motions are received. One notice from Mr. P. Kumaran Ezhuthassan for the adjournment of the business of the House for discussing a definite matter of urgent public importance to wit the extremely serious situation arising out of the strained relationship between toddy shop owners and toddy-tappers, now extending to over two months.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I have left off one word "at Anthicad" in the notice.

Mr. President: It is a very serious omission.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, it is a very serious omission. At Anthicad" must be inserted. Otherwise, the whole matter will become meaningless.

Mr. President: Yes, it may be inserted. I think the practice of the House in such matters is that notice for adjournment motion should reach the President the first day before the sitting and there is a ruling to that effect given sometime ago by the President. I refer to the ruling given on 10th December 1945 by the President of that time.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I may be kindly heard, Sir, on this question. If there is a ruling, as I find there is one, that will be seen to be a solitary instance of a ruling which was given in contravention to the rules pertaining thereto because the expression used in the appropriate sections is not "meeting" but "sitting". As far as this meeting is concerned the last meeting of the legislative session of 1122 extends from yesterday to Saturday both days inclusive while yesterday we had a sitting, to-day we have a sitting and to-morrow we will have another sitting and all these five days a sitting. The expression used in the books being "sitting" and not "meeting" an adjournment motion can be given notice of before the business of the day on which notice is given is taken up. On any day of a meeting each day to be considered a sitting, an adjournment motion can be given notice of. What I, therefore, submit to the Chair is that a bad precedent need not and should not be respected when we are here to break such bad precedents and lay down hea thy ones. Therefore, I submit that the ruling given under peculiar circumstances as will be seen from the context there,—I am quite aware of it—must not be considered a healthy precedent of this House. Your kind attention, Sir, may be drawn to that fact and old things done wrongly may be attemped to be set right at the earliest possible date.

Mr. President: What is the distinction the Hon'ble Member draws between the words 'sitting and meeting'. Will the Hon'ble Member kindly point out the Rule or the Section of the Act?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, I will read it out. It is not very diffi ult. The only condition is "before the business of the day is entered upon" and I have satisfied that condition, not before the business of the meeting is entered upon the meeting in contra-distinction to the distinct days or sittings constituting the meeting.

Mr. President: Under that section, I presnme a ruling was given by the President on a former occasion.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I stress, Sir, and maintain that it was a ruling given under very peculiar circumstances, creating a very bad precedent which may be broken at the earliest possible moment by you, Sir, an elected President, in contra-distinction othe Dewan President who gave it.

Mr. President: I want to know whether this matter is one of urgent public importance That is the point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It has become so notorious now, that there exists in that unhappy area called 'Anthikad.'

Mr. President: It is a general description of the situation that is now required in order to establish the urgency.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, it is so notorious that a very severe situation has been created as long ago as very nearly two months which has created the consequential effects, namely, as many as 20,000 tappers employed in that business and that business alone which makes their income, their only means of sustenance, not only of the tappers but of their families, which in such circumstances will be innumerable as a result of this break between the shop-owners on the one side and the tappers who bring toddy to them on the other. The remuneration that the tapper was getting, though poor is withheld. It is not a case, Sir, of his striking work, refusing to go to work, it is a case where he is not allowed to go to work. Where the tappers are locked out of work with the result that the families of these nearly 2000 tappers are starving and starving for two months. This, Sir, is something which the Government of the day at any rate should not tolerate. Can you conceive of a more urgent matter which requires redress, at least redress through debate which will produce the further redress by relief in some form or other. Hence I submit, Sir, it is urgent. It cannot be put off by one day, not by one hour, not by one minute and not by one second. It is so arresting a proposition that ought to have engaged the attention of the Government of the day—I stress the expression "Government of the day"—immediately after the unfortunate and unhappy incident took place in Anthikad the Government have failed in this matter, miserably failed. I may even say, Sir, my charge against the Government, Sir, to....

Mr. President: I hope the Hon'hle Member is not moving the motion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am perfectly aware of what I have asked for and if I may go out of the way, I am sure, I will be held up. I am only stressing the point that was put to me "where is the urgency". The urgency is that 2000×10 *i. e.* 20,000 souls are starving. Relief has not been rendered by Government by way of reproachment by parties, leading on to the restoration of earlier conditions, leading on in its turn to some Kanji water atleast being sent down the throats of these little emaciated children. So a discsusion of that matter is extremely urgent. It is overdue. It could not be done earlier because we are having only a sparse number of days of work though we are being paid thousand rupees. There was no Council meeting then. Therefore, Sir, I submit, it is a very urgent matter which cannot be allowed to be put off by another second. If there is any attempt made in that direction which, I believe, will not be made we shall think of it then.

Mr. President: May I know what the Constitutional Adviser has to say in this matter?

Mr. M. Sivarama Menon *(Constitutional Adviser):* Sir, since the Hon'ble mover is canvassing for a reconsideration of the previous ruling given by no less a parlimentarian than Sir R. K. Shanmukham Chetty and since he relies upon the use of the word 'sitting' in the rule in support of his contention, I think that it is advisable that this matter is dealt with in detail tomorrow so that the practice obtaining in other Legislatures may be ascertained in the light of other rulings. It has no doubt been stated in the previous ruling that the practice in other Legislatures is also to insist on notice of adjournment motions being given on the first sitting day. No rulings have been specifically referred to. I shall look up the position and place before you the views of Government, if permitted, tomorrow.

M. President: I think since the Hon'ble member has raised an important issue as to the correctness of the former ruling and in view of the fact that that ruling was given by a very distinguished President of the House, I think we shall deal with the issue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There was an issue raised by the chair and I have answered that there is a new objection raised now on my motion by the Government Both, we can take up together to-morrow. If time is asked for, on that ground I shall be only glad to accept it.

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Mr. P. Kumaran Ezhuthassan

Mr. President: Because the member has raised a very importan issue on which there will be necessity hereafter to ascertain whether the ruling is correct or not it is necessary to clarrify the points. It can therefore be dealt with to-morrow.

The second motion of Mr. P. Kumaran Ezhuthassan is to seek leave for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance to wit the serious situation arising out of M. R. Ry. P. Govinda Menon Avl., M.A.B.L., who has been found guilty of corrupt practice by the Commissioners appointed to try election petition No. 1/22 being allowed to continue as a Minister of the State.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: There is a mistake, Sir, it is 1/21.

Mr. President: Will the Honb'le Member speak on the motion?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, if you so desire. If the particular condition of admissibility of the adjournment motion which the Hon'ble President wants illustration light upon, I shall answer.

Mr. M. Sivarama Menon *(Censtitutional Adviser)*: This motion will certainly revive discussion on a matter which was discussed yesterday. Rule 22 (3) of the Legislative Council Rules prohibits such a motion which in substance revives discussion on the same subject-matter.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, I must begin before attempting to explain by a preface namely that I am extremely sorry that this sort of objection has been put forward by the Hon'ble Member the Constitutional Adviser of the Government. I am really ashamed of the objection raised by such an eminent person.

Mr. President: The House is not concerned whether you are ashamed or not. (Hear, hear). Please explain the point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The Hon'ble spokeman of the Government, the Constitutional Adviser to the Government of Cochin has stated just now that my motion revives a discussion that took place yesterday. Yesterday's disscussion, Sir, if perused, not analysed but simply looked at, will show that the subject I have raised here today is completely and distinctly different from the one that was raised yesterday and disposed of. What was raised here yesterday, what was discussed and what was ruled yesterday is the objectionable character of two Hon'ble gentlemen.....

Mr. P. Govinda Menon *(Minister for Food and Education)* : Do you question the character of the two gentlemen?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The Hon'ble interrupter haa not the patience to hear me because he is the affected individual.

Mr. P. Govinda Menon *(Minister for Food and Education)*: You are more affected than me:

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: That is the only shelter you have got now even with the help of the Constitutional Adviser.

Let me now explain that this sort of getting perturbed over things should be stopped. The Hon'ble Member should not be allowed to use words completly out of context and provoking to a degree.

Mr. P. Govinda Menon *(Minister for Food and Education)*: There is no use of saying that you are calm.

Mr. P. Kumaran Ezhthassan *(Vadakkancheri)*. I am calm as is clearly seen unlike the Hon'ble interruptor.

Mr. P. Govinda Menon *(Minister for Food and Education)*: You are hysterical,

Mr. President: Subject matter for discussion please.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, I am on the subject matter, but I am not allowed to continue. I may be allowed to place before the Chair the point to be decided upon undisturbed. My position, Sir, is that this motion here before the Hon'ble House does not offend against what was discussed and disposed of rightly or wrongly yesterdsy. The two gentlemen who have been found guilty of corrupt practices, according to the Hon'ble Member, who raised the point yesterday, entail forfeiture of their sitting membership.

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under section 16 (1) (*f*) as it is, they should not be allowed to sit here was his contention. they must be advised to remove themselves failing which they must be removed. That was the point raised and the ruling was that they can sit here and they, with very cheerful faces, are seen to be sitting here. It is not that ruling I am questioning here. This motion is to discuss the serious situation arising out of M. R. Ry. P. Govinda Menon Avl., M. A., B. L., who has been found guilty of corrupt practice by the Commissioners appointed to try the Election Petition No. 1 of 1121 being allowed to continue as a Minister of the State". These words when read, would show even *prima facie* that what was discussed here, namely that their presence in this House makes the House not a properly constituted one which is the fundamental condition of procedure to start work and the motion proposed by me are entirely different. That alone was the point raised and decided yesterday by the Diwan. What is the point here? Grant that he can sit as a Member; grant that a non-member can be appointed as a Member; also conceive that such a member has been appointed on the 24th of Chingam under the notification number 13, all that is conceded. I also concede that that gentleman can hold office as the first Minister or whatever it is, during the pleasure of His Highness and it is also seen that His Highness has not been pleased to do otherwise. Therefore, he continues as a Minister satisfying the necessary conditions but as far as the public of Cochin whose representatives we are considered to be amongt whom myself a humble poor one, the question raised by me representing my constituency or representing the public for which also I have every right is, that a serious situation has arisen out of the fact that he continues as a Minister. What is raised here is that his continuing as a Minister is a matter which cannot be tolerated for a moment, for the reason.....

Mr. President: That is a different question. Your contention is that the present motion is different from yesterday's motion. This relates to the continuance of a particular individual as a Minister of the State, whereas the other was about his membership. Is that the distinction?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yes, Mr. President, exactly that is the distinction. I have worded it after a mental discussion.

Mr. President: In this case, therefore, I would give a ruling this afternoon. I hope the Hon'ble Member is satisfied.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* In this case also, does not the other ruling apply that the motion should be presented on the very first day?

Mr. President: Yes, it applies to this as well.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* The President may postpone this for to-morrow.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I may kindly be heard.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* I thought that the President gave a ruling that this motion will be taken up tomorrow. Because, according to me, all these adjournment motions should have been presented on the very first day. It is only to remind the Hon'ble President.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* On a point of information, Sir,....

Mr. P. K. Dewer *(Nominated):* What is to be done, Sir, our time is being wasted unnecessarily.

Mr. President: Well, what is to be done! The Hon'ble Member will continue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The Hon'ble Minister for Excise..

Rao Bahadur T. K. Nayar *(Minister for Public Health):* Not Excise but Public Health.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchri):* Including Excise.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* Including several other things.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, the Hon'bie Minister for Excise was observing that this motion is effected by the earlier ruling. Is it a point that the Hon'ble Minister raised, I shall like to know it. Does the Hon'ble Minister for Public Health and many other things inclusive of Excise raises a point that under the earlier ruling that is out of order.

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Mr. President: Will the Hon'ble Member please sit down? I am afraid that the standard of our debate is getting a little bit deteriorated. We must keep up a little more of decorum and decency in these matters. Will the Hon'ble Minister be pleased to give the information?

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: I did not raise any objection to his moving the motion. According to me, when the President stated that he will give his ruling this after-noon, I thought that this matter did not come to his knowledge.

Mr. P.Kumaran Ezhuthassan *(Vadakkancheri):* So Sir, the point of information is answered in the negative. I wanted to know whether the Hon'ble Minister for Public Health and Excise raised a point that under the earlier ruling this is out of order or does he not raise it. Let us clinch the issue. I am not satisfied that he does not and wisely at it.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* May I answer that Sir?

Mr. President: The Chair takes that it has been brought to the notice of the Chair that this ruling applies to all the adjournment motions which are now being considered and the ruling on both these motions shall be given to-morrow.

Mr. President: There is one more adjournment motion to with the serious situation arising out of the detention without trial, of public workers Mr. P. S. Namboodiri (Secretary, Textile Workers, Union, Amballoor) Messrs. K. K. Raman and P. C. Achuthan (President and Vice President) respectively of the toddy Tappers Union Anthikad, Mr. N. C. Sankaran, a toddy tapper".

When did these events take place, will the Hon'ble Member be pleased to enlighten me on this?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I am not in a position just now to give the exact date. If allowed so to do I shall give the exact date in the afternoon.

Mr. President: Has the Hon'ble Member anything to say about the urgency of the matter?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, The urgency of this motion is that the liberty of some subjects of Cochin—as regards these four public workers—is in jeopardy. They have been locked up in the Central Jail at Viyoor for what, no ones inclusive of the detained knows.

Mr. President: How long they have been in Jail; may I know?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am not in position to give the exact date. They have been in the Jail for about 20 days. They do not know what for, they have been clapped in Jail. They are not called up before a Court of Law calling upon them to answer any definite charges against them. This sort of detention without trial is a most abominable practice even in barbarous countries, and it is all the more objectionable in Cochin civilised and working democracy.

Mr. President: What about the urgency please?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The urgency, Sir, is that they should not be allowed for a second to remain there. The mischief has been done some days back, a most objectionable mischief done by the Cabinet Government here; it must be undone immediately. We could do it only at one or other of the sittings of a meeting subsequent to the event. After the event there was no meeting excepting this. At the most this could have been brought yesterday before 2-45 when alone the questions were reached yesterday. If there is any point of objection from any corner, Sir, ruling on this also may be given tommorow along with the others. But the urgency of this motion, put as the Hon'ble leader of the Prajamandal on an earlier date characterised if questioned by any of the word urgency will lose all its meaning. Sir, this matter is very urgent for the reasons that I have stated. Because what else can I submit, Sir, except that a wrong thing has been done; the earlier it is undone the better. So the want of urgency, I don't think, can stand in the way. It is the right of every citizen to see that the liberty of another or brother citizen or a sister is not allowed to be touched by even a Cabinet. That is the public importance. The high handedness of the cabinet of the day may be allowed to be discussed and the mischief of the action undone.

Mr. President: The mover himself said that the ruling might apply to this also.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am agreeable for any sort of adjustment. I think it is advisable that the ruling be made to-mmorrow.

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Mr. M. K. Raja *(Mulakunnathukavu)*: Sir, he cannot even say when the incident took place.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: 13th or 14th for the enlightenment of the Hon'ble Member.

Mr. M. K. Raja *(Mulakunnathukavu)*: I request the Hon'ble Member not to interrupt me. I am on my legs. When the Hon'ble Member himself does not know the facts and figures, there is no use of wasting the time of the House by entering into a discussion on the admissibility of this matter. The only thing that you can do is to straightaway disallow the motion.

Mr. President: To-morrow, necessarily, there will be some discussion on the ruling whether it relates to this or to the former.

Mr. M. K. Raja *(Mulakunnathukavu)*: We have already wasted sufficient time over this matter.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: It is the Chair to decide that and not you.

Mr. P. Govinda Menon *(Minister for Food and Education)*: But he can give his opinion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: This is not the place for giving out opinion.

Mr. President: Order, order.

Mr. M. K. Raja *(Mulakunnathukavu)*: The point I wanted to make, Sir, is this. The Hon'ble mover had a duty, to come posted with all the relevant material of this matter which will help the Chair to come to a decision on its admissibility. He has not done so. And when he is asked by you to give him certain information he says he wants time till the afternoon That is not the proper procedure on a matter like this. Sufficient material has not been placed before you by the mover. Under the circumstances the only thing that the Chair can do about this is to disallow the motion here and now. That, Sir, is my point.

Mr. President: I think there is no harm in postponing the ruling on this point also for to-morrow, after hearing the Government on the previous ruling of the President.

3. Demands for Supplementary Grants

(XVII) Libraries

Mr. P. Govinda Menon *(Minister for Food and Education)*: Sir, I move that an amount of Rs. 4,321 under, Libraries, be granted. A separate Department for Libraries has been constituted with effect from 5th Makaram 1122. No provision had been made to meet the pay, allowances, T.A. and contingencies of the Director of Libraries and his staff. To start with the Director of Libraries has been given the following staff. They are all mentioned in the note to the Standing Finance Committee. Provision has to be made for the pay, allowance and T.A. of the staff and other items of contingencies. The total comes to Rs. 5,977. Of this a sum of Rs. 205 is available by transfer from the Panchayat Department under Establishment. Hence, an additional allotment for Rs. 4,071 is required. Under grants to Libraries the amounts available by transfer from the Panchayat and Education Departments are Rs. 21,694 and Rs. 2,471 respectively. A sum of Rs. 250 more is required for the lump sum contribution to Libraries. An additional allotment of Rs. 250 is therefore necessary under Grants to Libraries. Thus a sum of Rs. 4,321 (Rs. 4,071 under Establishment votable and Rs. 250 under Grants) is required as additional allotment.

Mr. President: There is a cut motion from Mr. P. Kumaran Ezhuthassan.

CUT MOTION No. 4

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I move that the demand for Rs. 4,321 under Libraries be reduced by Re. 1 as noted in the cut motion to congratulate the Government for the constitution of a separate Department for Libraries.

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